



Serial No. 10/790,571

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
FLUX DRIVE, INC.

Serial No.: 10/790,571

Group Art Unit: 2834

Filed: March 1, 2004

Examiner: Dang D. Le

Title:  
APPARATUS TO TRANSFER  
TORQUE MAGNETICALLY

Date: January 21, 2006  
US Express Mail Air Bill  
# EQ 274632504 US

**REPLY TO FIRST OFFICE NON-FINAL ACTION AND AMENDMENT UNDER 37**  
**C.F.R. §1.111**

Commissioner for Patents  
Mail Stop Amendment  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Non-Final Office Action mailed on August 22, 2005, and pursuant to a personal interview among Patent Examiner Dang D. Le, one of the Inventors Philip Corbin III and the undersigned counsel Steven J. Miller, Esq. conducted on November 29, 2005, the substance of said interview being contained herein per 37 CFR 1.133(b), the Applicant respectfully requests reconsideration, and amend the above-identified application as follows:

**SUBSTANCE OF INTERVIEW CONDUCTED WITH EXAMINER ON NOVEMBER 29, 2005; PER 37 CFR §1.133(b) and MPEP §713.04:**

A personal interview among Examiner Dang D. Le, applicant's patent counsel Steven J. Miller, Esq. and one Inventor Philip Corbin, III, was conducted on November 29, 2005, at the USPTO headquarters located in Alexandria, Virginia. The topic of discussion was the Examiner's Non-Final Office Action, and comments contained therein, mailed on August 22, 2005.

As it relates to the Examiner's 35 USC §112 rejections of claims 15 and 30, the Examiner wanted clarification of the term "the electroconductive materials' electrical circuit". In order to avoid confusion on these two dependent claims (15 and 30), and without disclaiming any part of the invention, the applicant has decided to cancel these two aforesaid dependent claims.

As it relates to the Examiner's 35 USC §102(b) rejections asserting that the applicant's invention was anticipated by LAFHEY (US 5,158,279), WOOD (US 2,437,871) and LEHDE (US 2,807,734), the applicant clarified that its invention has permanent magnets on only one of the two rotary members claimed. The Examiner agreed that if the applicant clarified that the applicant's invention provided that permanent magnets were on only one of the two rotary members claimed; i.e. excluding permanent magnets from the other rotary member, then all of the Examiner's aforesaid cited prior art [LAFHEY (US 5,158,279), WOOD (US 2,437,871) and LEHDE (US 2,807,734)], would no longer anticipate the applicant's invention.

As it relates to the Examiner's 35 USC §103(a) rejections asserting that the applicant's invention